

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MATTHEW T. SHAFER, on behalf of himself  
and all others similarly situated,

Plaintiff,

-against-

MORGAN STANLEY, MORGAN STANLEY  
SMITH BARNEY LLC, MORGAN STANLEY  
COMPENSATION MANAGEMENT  
DEVELOPMENT AND SUCCESSION  
COMMITTEE, and John/Jane Does 1-20,

Defendants.

Civil Action No. 1:20-cv-11047-PGG

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law in support of this motion, dated March 24, 2021; and the declaration of Keith Porco, dated March 24, 2021, and the exhibits attached thereto Defendants Morgan Stanley, Morgan Stanley Smith Barney LLC, and the Morgan Stanley Compensation Management Development and Succession Committee, pursuant to the Federal Arbitration Act, 9 U.S.C. § 1 *et seq.*, will move this Court, before the Honorable Paul G. Gardephe, at the Thurgood Marshall United States Courthouse located at 40 Foley Square, Courtroom 705, New York, New York, at a date and time to be set by the Court, for an Order compelling arbitration of all claims brought by Plaintiff Michael T. Shafer filed in the above-captioned action and staying this action during the pendency of the arbitration proceedings, with such other and further relief as this Court deems just and proper.

Dated: Washington, D.C.

March 24, 2021

Respectfully submitted,

O'MELVENY & MYERS LLP

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Morgan Stanley Smith Barney LLC, and  
Morgan Stanley Compensation  
Management Development and  
Succession Committee*